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February 21, 2008

VIA FEDERAL EXPRESS & ECF FILING

Honorable Shira A. Scheindlin
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 1620
New York, NY 10007

Re: *Rheingold v. Merck & Co., Inc. et al.*
Case No. 1:08-CV-00438 (SAS)

Dear Judge Scheindlin:

This law firm represents the defendants in the above-referenced civil action. The case is one of over 70 similar actions filed in the last month in federal courts across the country involving the marketing and sale of two prescription drugs, Vytorin and Zetia.

Motions for the centralization of all these cases in one federal district have been filed with the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. Section 1407. In re Vytorin/Zetia Litigation, MDL No. 1938. The Panel has scheduled a hearing on the pending motions for March 27, 2008, and we expect a decision within a matter of weeks. Given the possibility of transfer, and to preserve judicial resources, we respectfully request that the Court stay the action pending a decision by the JPL. *See, e.g., Kollar v. Conagra Food*, 2007 WL 1774679 (W.D.N.Y. June 18, 2007) (granting stay pending decision by Multidistrict Litigation Panel). The plaintiff has consented to this request.

A proposed Order is included herein. We thank the Court for its consideration.

13106438.1.LITIGATION

Austin Boston Charlotte Hartford New York Newport Beach Philadelphia Princeton San Francisco Silicon Valley Washington DC
Brussels London Luxembourg Munich Paris

Dechert
LLP

Respectfully Submitted,



Patrick G. Broderick

PB/ms

Enclosure

Cc: Hunter J. Shkolnik (via email & ecf filing)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOYCE B. RHEINGOLD, Individually, and on
behalf of all others similarly situated,

Plaintiffs,

Civil Action No. 1:08-CV-00438 (SAS)

-against-

MERCK & CO., INC. and SCHERING
CORPORATION D/B/A SCHERING-
PLOUGH CORPORATION, and
MERCK/SCHERING-PLOUGH
PHARMACEUTICALS,

Defendants.

**ORDER EXTENDING TIME TO
ANSWER, MOVE OR OTHERWISE
RESPOND TO COMPLAINT PENDING
DECISION ON TRANSFER BY
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

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This matter having come before the Court on application of the Defendants for an extension of time to answer, move or otherwise respond to the Complaint pending a decision on centralization of this and other matters by the Judicial Panel on Multidistrict Litigation (“MDL Panel”) in MDL Docket No. 1938, In Re Vytorin/Zetia Marketing, Sales and Products Liability Litigation, and the Plaintiff having consented to the extension on the terms set forth below, it is hereby

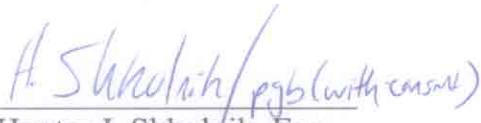
ORDERED that the Defendants shall notify the Court of the decision of the MDL Panel within three business days after the MDL Panel issues its decision, and it is further

ORDERED that the time within which the Defendants may answer, move or otherwise respond to the Complaint in the above matter is hereby extended to a date to be set at the first scheduling conference after the MDL Panel issues its decision, and it is further

ORDERED that if the Defendants file a responsive pleading in any other similar action pending in another federal district court, they shall notify the Plaintiff's counsel before filing such a pleading, and the Plaintiff may then file a motion to amend this Order. Defendants reserve the right to oppose such a motion.

HON. SHIRA A. SCHEINDLIN, U.S.D.J.

The undersigned consent to the form and substance of the above Order



H. Shkolnik / pgb (with ems)

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